

EAST LYME PLANNING COMMISSION

Special Meeting, July 18, 2023. 7:00 PM

CHAIRMAN: Michelle Williams

VICE CHAIRMAN: Kirk Scott

SECRETARY: Rich Gordon

PLANNING DIRECTOR: Gary Goeschel II
RECORDING SECRETARY: Sue Spang

RECEIVED FOR RECORD
EAST LYME, CT
2023 JUL 24 A 8:21

Camille Williams
TOWN CLERK

CALL TO ORDER 7:04

I. ROLL CALL

Present: Michelle Williams, Kirk Scott, Thomas Fitting, Timothy LaDucer, Alt., Olivia Fairchild, Alt., Brian Bohmbach, Alt.

Absent: Richard Gordon, Jason Deeble, Nichole Davison,

Also, Present: G. Goeschel, Planner, W. Weber, BOS liaison.

T. Laducer, O. Fairchild and Brian Bohmbach were seated.

II. CALL FOR ADDITIONS TO THE AGENDA-none.

III. CALL FOR PUBLIC DELEGATIONS:

Jeff Torrance, 197 Upper Pattagansett, responded to a public comment by Nancy Kalal at the last meeting. He submitted numerous documents to support his claim concerning easements or lack of access to Darrows Pond and Darrows Ridge developments as well as Nottingham.

IV. REPORTS

A. Communications: none

B. Zoning Representative:

B. Bohmbach attended the July 6, 2023, Zoning meeting which they discussed the settlement with Marker 7 and a CAM submission by Marker 7. They had numerous nominations for an open alternate spot on the Commission.

C. Ex-Officio:

W. Weber informed the Commission that the BOS is forming a committee to study Short Term Rentals

D. Planning Director:

G. Goeschel the RFPs for repairs on the Samuel Smith House came in and work will begin soon.

E. Subcommittees

- **Plan of Conservation and Development**-no report

E. Chairman: no report

V. APPROVAL OF THE MINUTES

A. Regular Meeting minutes of June 13, 2023

MOTION: (LaDucer/Fairchild) to approve the Regular Meeting minutes of June 13, 2023, as presented.

Vote: APPROVED. In favor-Williams, LaDucer, Fairchild, Bohmbach, Fitting. Opposed-none. Abstaining-Scott

VI. PUBLIC HEARINGS: none

VII. SUBDIVISIONS/RE-SUBDIVISIONS-Pending

A. Application of Kristen T, Clarke, PE, & Shelly Harney Applicants/Port Side Holdings, LLC Owner; Application for a 5-lot Subdivision, (aka Nehantic Highlands), at property located on the corner of Upper Walnut Hill Road and Holmes Road, East Lyme Assessor's Map # 55.0, lot # 3.1 Zoned RU-80 (Submitted 5/1/2023, Date of Receipt 5/9/2023)

Attorney P. Geraghty, for the applicant said he had submitted an extension. He submitted an updated amended design reported dated July 12, 2023. He submitted a copy of a letter dated to G. Goeschel concerning the updated archeology report dated July 17, 2023.

P. Geraghty informed the members that the wetlands have been conveyed to the East Lyme Land Trust (ELLT), therefore no report is due from the East Lyme Wetlands Agency (ELWA) as the wetlands have been removed. He said the ELWA did forward conditions for consideration to the Planning Commission.

A letter from the ELLT, dated July 17, 2023, acknowledged receiving .83 acres of wetlands and 2.55 acres in the form of a conservation easement which is adjacent to property owned by ELLT.

He submitted a copy of the warranty deed and the draft conservation easement.

The amended design report was reviewed for changes. The total of the four lots is 10.33 acres to be subdivided between the four lots.

P. Geraghty said the applicant is offering to pay a \$10,000 fee in lieu of open space.

A report from Ledge Light was received approval with conditions for the septic systems, the wells were approved.

All comments from town staff have been address.

Tim May, engineer, said the original plan had 12.4 acres and with the donation of land and wetlands it is now 10.3 acres.

The original plan had 5 lots, but the developer took a free split (lot 4) which resulted in a 4-lot subdivision.

In response to a member question concerning who monitors the NDDB study, P. Geraghty said notes would be incorporated into the building permit.

The issue of road drainage directly into the wetlands was discussed and G. Goeschel will talk to the PWD.

The Commission discussed calculations for the fee in lieu of open space. They asked if the applicant would consider land instead of a fee. P. Geraghty offered to call the

developer.

The open space requirement for the proposed conservation design development is 50%. The calculations for open space does not include the wetlands that were conveyed to ELLT.

The commission took a break from 8:23-8:26

P. Geraghty spoke to his client and the client was willing to convey the additional acres of land instead of a fee.

The Commission determined that the amount of open space required is based on the total acreage of the 10.33-acre property, minus .85 acres of wetlands previously conveyed for net of 9.48 acres, to be subdivided; 50% of the 9.48 acres is 4.74, the applicant has proposed an easement of open space in the amount of 2.55 acres which leaves 2.19 acres remaining to be conveyed.

P. Geraghty said the developer would be agreeable to the additional land for the conservation easement.

MOTION: (Laducer/Williams) based on the findings in the Memorandum from Gary A. Goeschel II, Director of Planning to the East Lyme Planning Commission dated July 18, 2023, I hereby MOVE TO APPROVE the application known as the Application of Kristen T. Clarke, PE, for East Lyme Land Trust, Inc.; for a 4-lot subdivision, at property located at the corner of Upper Walnut Hill Road and Holmes Road, East Lyme Assessor's Map 55.0, Lot 3.1 and plans entitled, "Subdivision Plan, Nehantic Highlands Subdivision, Applicant: Kristen Clarke PE & Shelly Harney, Holmes Road & Upper Walnut Hill Road, East Lyme, CT, dated February 7, 2023, and Revised through July 7, 2023" prepared by James Benardo, LS of James Bernado Land Surveying and plans entitled "Applicant: Nehantic Highlands Subdivision, Kristen Clarke & Shelly Harney, Holmes Road, East Lyme, CT, Scale 1" 50, dated April 28, 2023, and Revised through July 7 2023, Sheets 6-10 of 10" prepared by May Engineering, LLC, which, is further subject to the following administrative requirements and required modifications to the site plan and/or other materials submitted in support of this application:

- 1. An Erosion & Sedimentation Control bond for each lot in an amount satisfactory to the Town Engineer and Planning Director and in a form acceptable to the Town of East Lyme Planning Commission shall be posted with the Town prior to the start of any site work including but not limited to clearing, grubbing, filling, and grading.**
- 2. Copies of all deeds and easements including instruments proposed to be executed or delivered after approval of the application shall be submitted as specified in Section 4-2-10 of the Regulations and provided to the Planning Director for review and approval prior to the filing of the subdivision on**

the land record.

3. A note be place on the plan indicating that no more than fifty (50%) percent of each lot be cleared, any activity within the three hundred (300) foot upland review area will require an inland wetlands permit from the Agency or its Agent, and Inland Wetland/Conservation tags, supplied by the Town of East Lyme, shall be installed every 40-50 feet on center along the wetland boundaries and conservation area.
4. The developer of each lot shall apply for a Right-of-Way (ROW), permit from the Engineering Department for each individual house.
5. The mitigation recommendations as prescribed by Shannon Kearney of CT DEEP Wildlife Division in the Natural Diversity Data Base report dated March 13 2023, shall hereby be incorporated into the proposed development plan for the subdivision.
6. 2.19 acres of additional open space shall be provided contiguous to the proposed open space to the satisfaction of the Town Planner and Planning Commission.
7. The applicable items above shall be accomplished prior to the filing of the subdivision on the land records, or other documentation of planning approval and no further site work shall commence until all applicable conditions are satisfied.

This approval is specific to the subdivision plan submitted as the application known as the Application of Kristen T. Clarke, PE, & Shelly Harney Applicants/Port Side Holdings, LLC Owner; Application for a lot Subdivision, at property located on the corner of Upper Walnut Hill Road .Ind Holmes Road, East Lyme Assessor's Map#55.0 Lot# 3.1 Zoned RU-80; for a 4- lot subdivision and plans entitled "'Subdivision Plan, Nehantic Highlands Subdivision, Applicant: Kristen Clarke PE & Shelly Harney, Holmes Road & Upper Walnut Hill Road, East Lyme, CT, dated February 7, 2023, and Revised through July 7, 2023" prepared by James Bernardo, LS of James Bernado Land Surveying and plans entitled "Applicant: Nehantic Highlands Subdivision, Kristen Clarke & Shelly Harney, Holmes Road, East Lyme, CT, Scale 1"=40' dated April 28, 2023, and Revised through July 7, 2023 Sheets 6-10 of 10" prepared by May Engineering, LLC.

Any changes in the subdivision plan shall require prior approval from the Commission and/or the Director of Planning. Any change in the development plan layout other than those identified herein shall constitute a new application.

Vote: APPROVED unanimously

VIII. ZONING REFERRALS [Connecticut General Statue (CGS) 8-3a]

IX. MUNICIPAL REFERRALS [Connecticut General Statues (CGS)8-24]:

X. OLD BUSINESS

A. Review of Subdivision Regulations:

The members suggested revisions which G. Goeschel will incorporate for review.

X. NEW BUSINESS-none

XI. ADJOURNMENT:

MOTION: (Phimister/Fairchild) to adjourn at 9:11. Vote: APPROVED Unanimously.

Respectfully Submitted,
Sue Spang,
Recording Secretary

2023 meeting dates, August 8, September 12, October 10, November 21, December 12.

Liaison dates 2023:

August 3 -T. Laducer, September 7-O. Fairchild, September 21 -T. Fitting, October 5 - R. Gordon, October 19- J. Deeble, November 2- K. Scott, November 16- M. Williams, December 7-B. Bohmbach.

Jeffrey A. Torrance
197 Upper Pattagansett Road
East Lyme, Connecticut 06333

July 18, 2023

Hand Delivered
Gary Goeschel, Director of Planning
Town of East Lyme
108 Pennsylvania Avenue
Niantic, CT 06357

Dear Gary,

This correspondence and exhibits are a follow up to my email to you dated June 14, 2023, attached as Exhibit 1, that addressed the numerous false statements made by Nancy Kalal regarding the Nottingham Hills and Darrow's Ridge Subdivisions during "Delegations" at the June 13, 2023 Planning Commission.

Mrs. Kalal's false statements included, but were not limited to, claims that both of the referenced subdivisions required secondary emergency access roads which were never completed.

Had Mrs. Kalal bothered to actually research the matter she would have discovered the following plans and documents in the Land Records of the Town of East Lyme that rebut her false claims;

Exhibit 2- The mylars of the Nottingham Hills Subdivision phases 1, 2, 3 & 4 none of which required secondary or emergency access.

Exhibit 3- An Access Easement recorded at Volume 678 Page 628 of the Land Records which gave Niantic Real Estate the right but not the obligation to build roads on the Darrow Pond Property.

Exhibit 4- A Map recorded in the Land Records on July 27, 2024 titled "Plan showing Parcels of New England National LLC and Niantic Real Estate Limited Liability Company subject to Access Easement"

Exhibit 5- A Release of Rights and Easements recorded in the land records Volume 948 Page 556 on June 17, 2015 that includes on Schedule B therein the release of the Access Easement and "any and all rights to use any of the existing or future roads located on the conveyed premises for ingress or egress or otherwise."

Exhibit 6- A Map recorded in the Land Records on April 28, 2006 titled "Cover Sheet Re-Subdivision Darrow's Ridge Elimination of Darrow's Lane & Lot Line Revision Lots 14, 15, & 1-Now to be known as Lot 25 Mostowy Road.

Exhibit 7- Meeting Minutes of The East Lyme Darrow Pond Open Space Committee recorded in the Land Records on July 24, 2012 during which Paul Formica advised the committee "...there are no plans to design or build roads on the property.

Exhibit 8- is a Map prepared for the Town of East Lyme & Webster Bank identifying the property boundaries and those of the Nottingham Hills and Darrow's Ridge Subdivisions. Note that the Town's property begins where the pavement ends on the Nottingham Hills private road. And the area in which Mrs. Kalal took her pictures was all property owned by the Town including the "gate" installed by the Town.

Exhibit 9-GIS Maps of the Town of East Lyme owned Darrow Pond Property.

Exhibit 10- Original Plan for the Nottingham Hills Subdivision that demonstrates why the Access Easement was required as a condition to the phased sale of the Darrow Pond Property to Vespera Investments.

Please make this document a part of the record in which Mrs. Kalal's false statements were made.

Sincerely,



Jeffrey A. Torrance

EXHIBIT 1

NOTTINGHAM HILLS SUBDIVISION

PROPOSED 7-LOT RESIDENTIAL COMMUNITY IN EAST LYME, CONNECTICUT

LEGEND TO PLAN SHEETS

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EAST LYME, CONNECTICUT

SITE LOCATION

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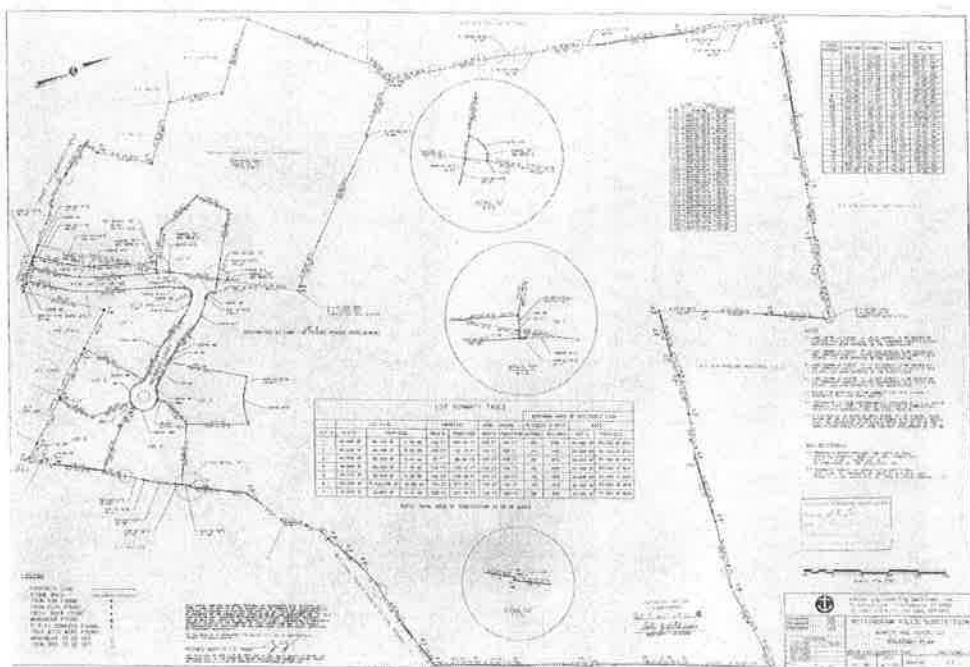
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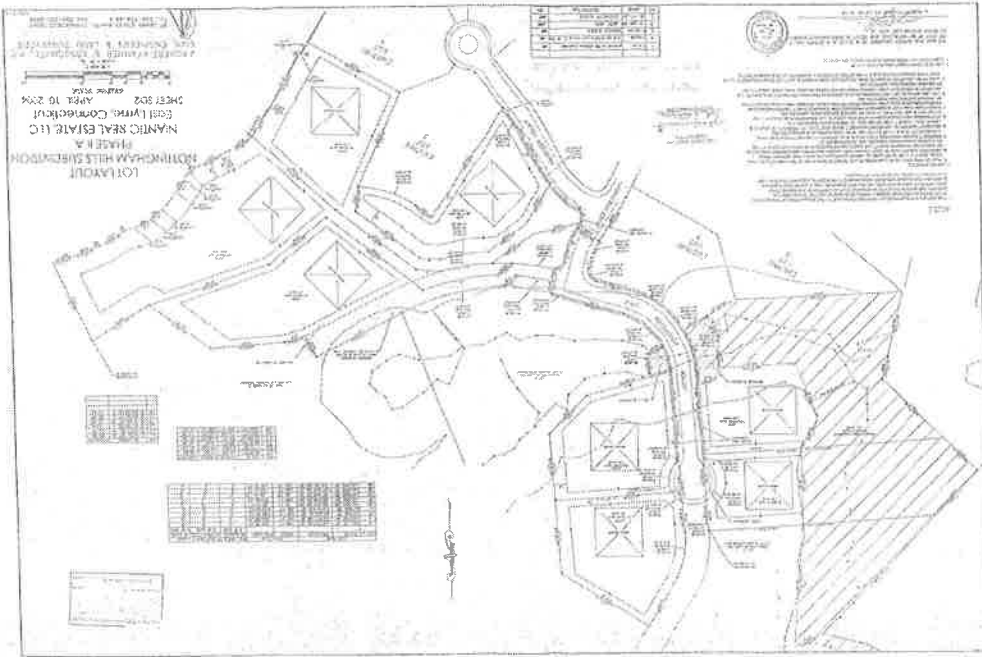
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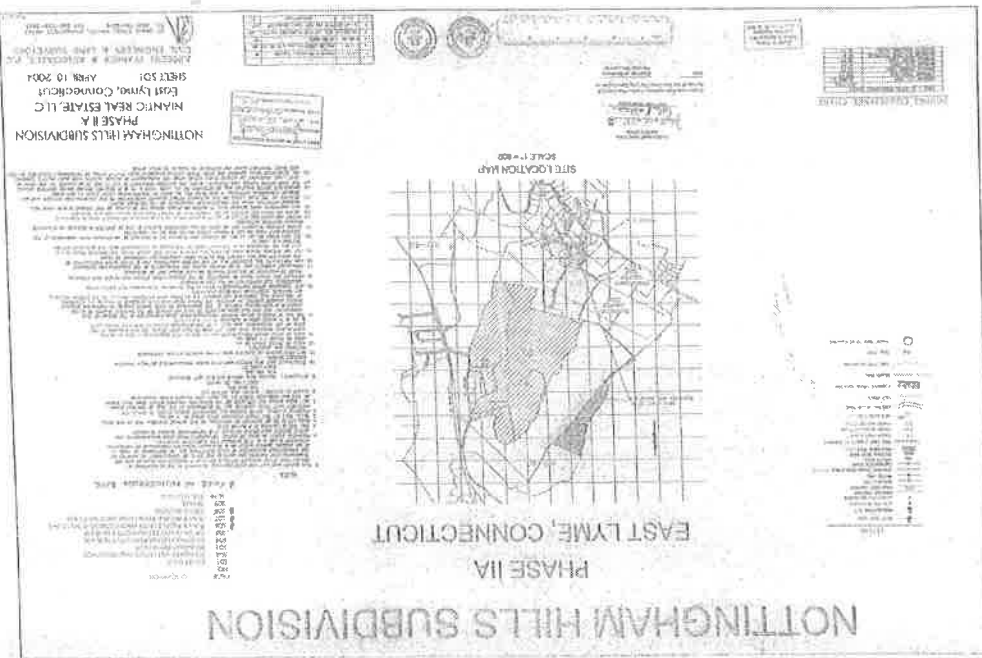
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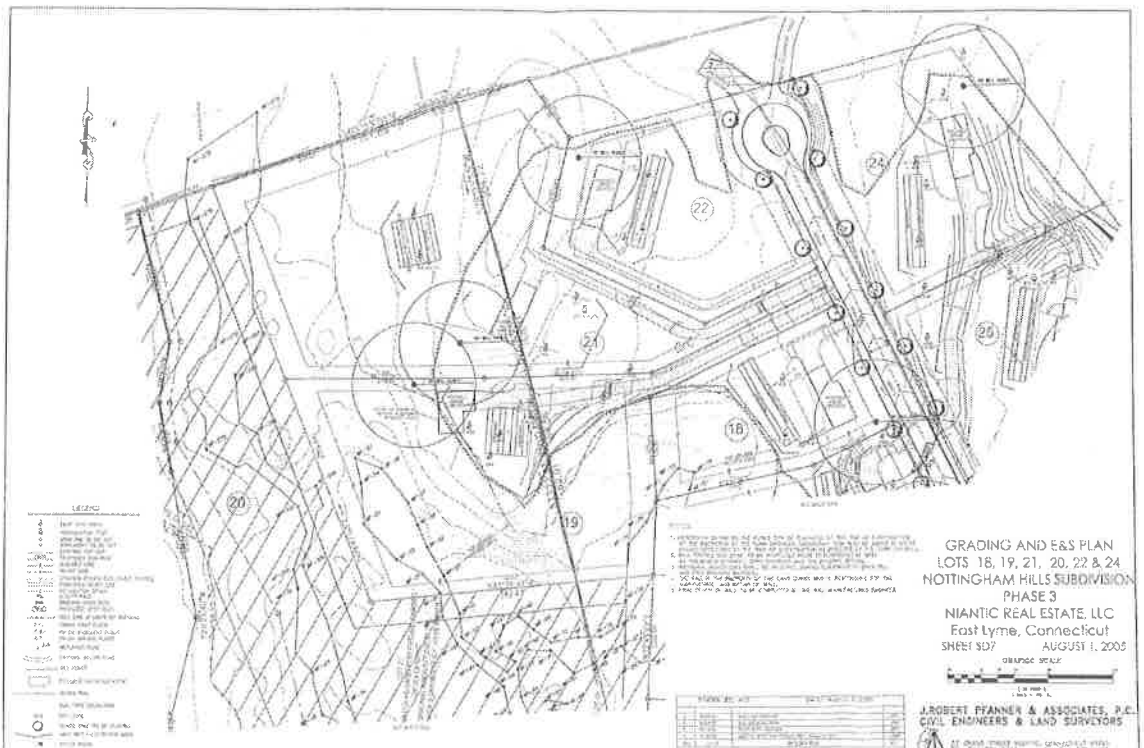
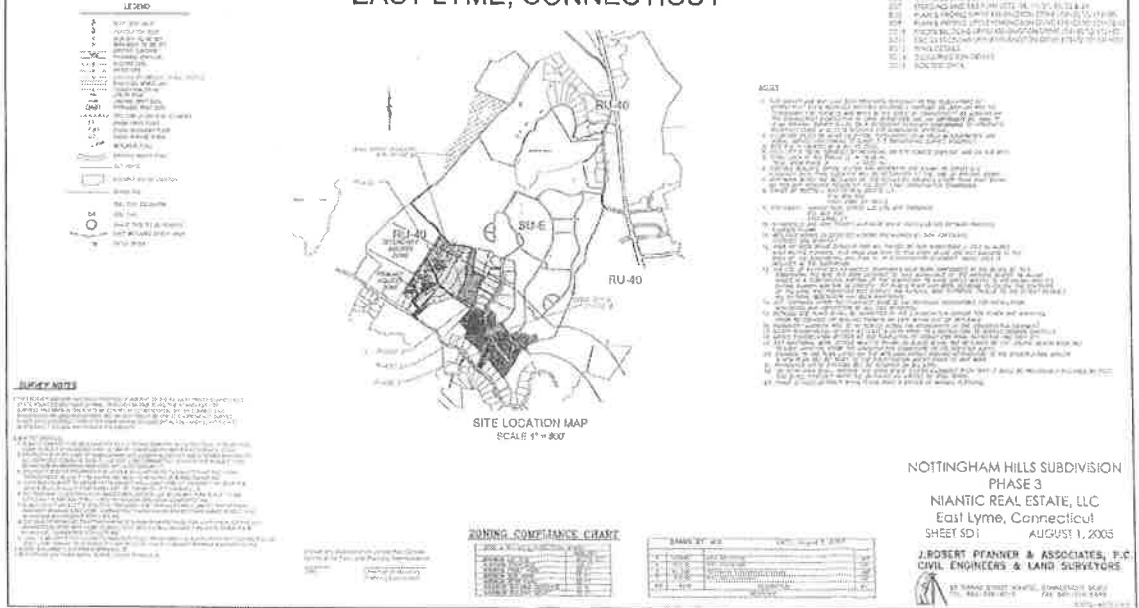


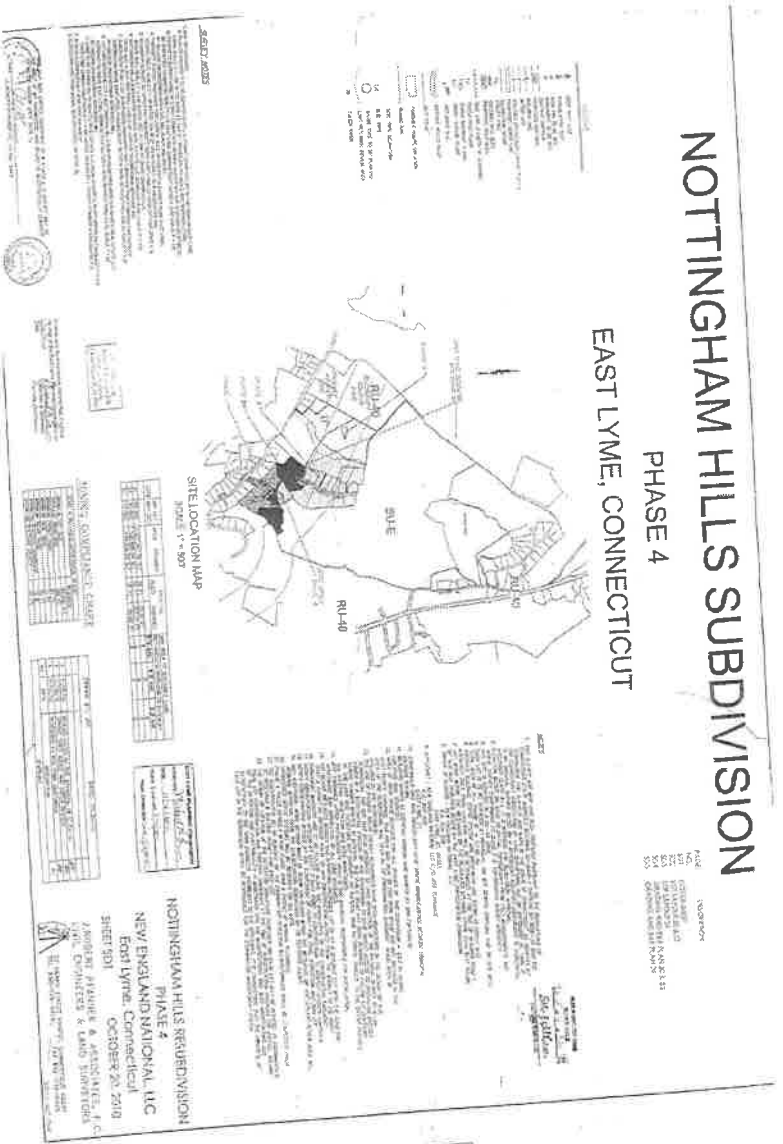
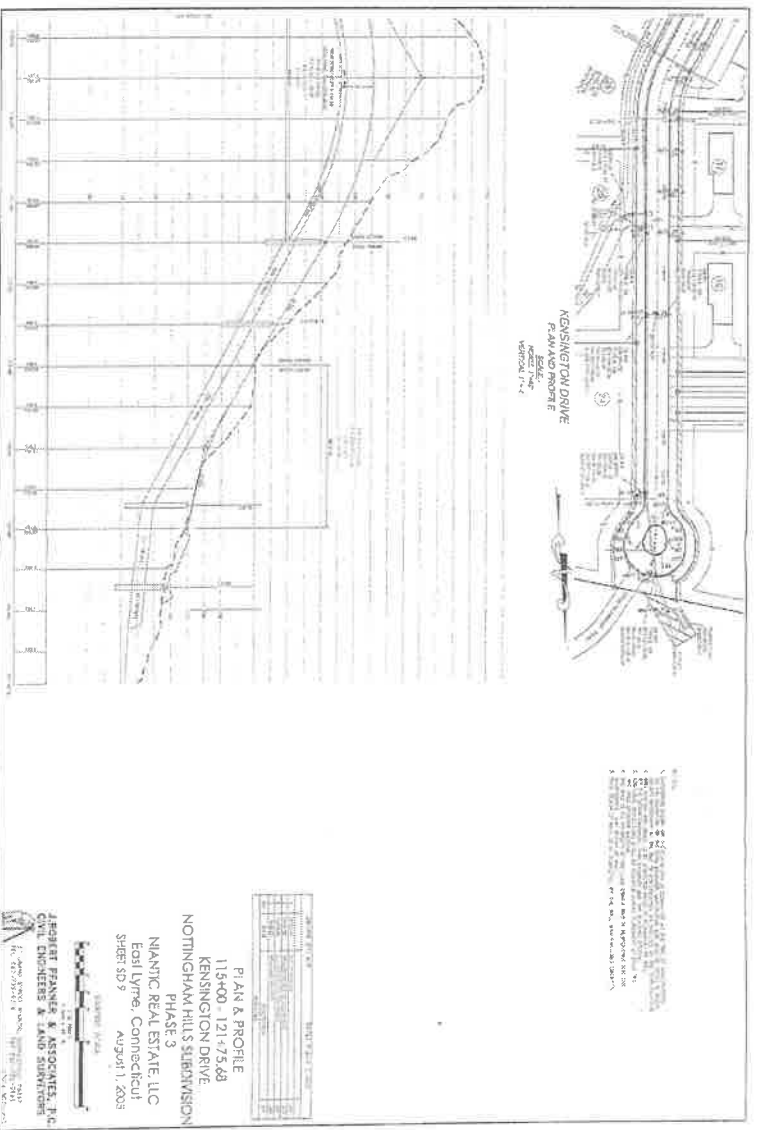
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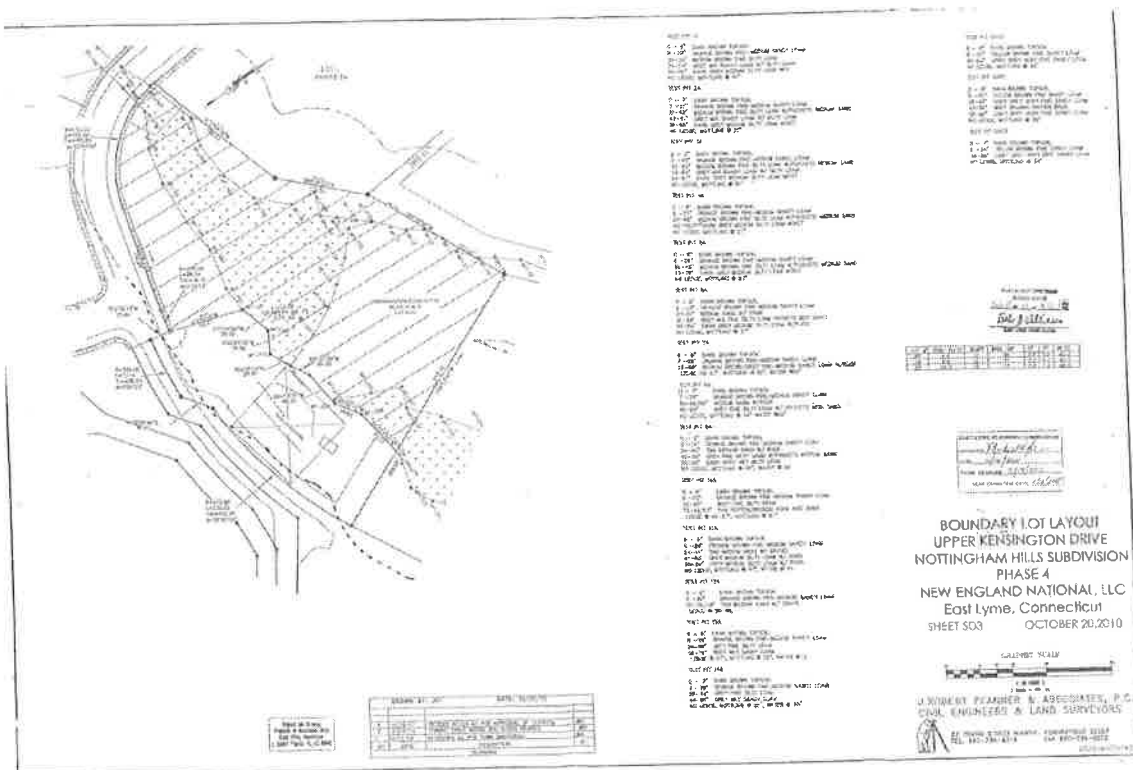
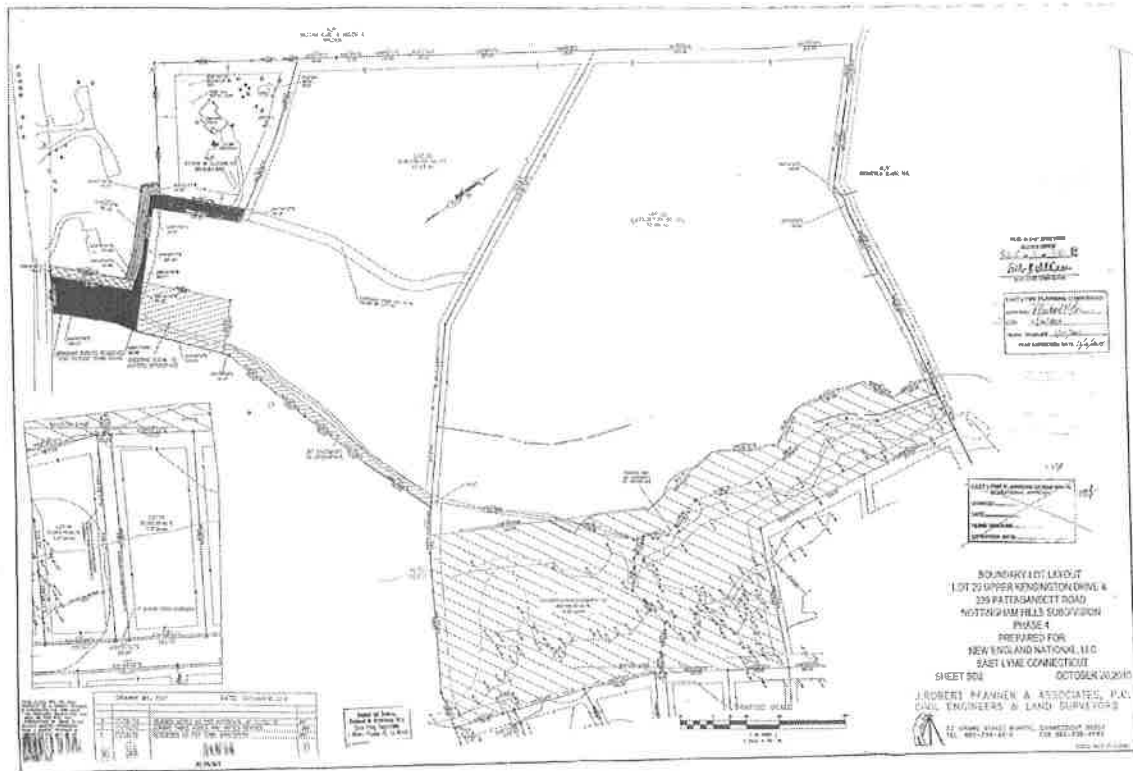


NOTTINGHAM HILLS SUBDIVISION

PHASE 3 EAST LYME, CONNECTICUT







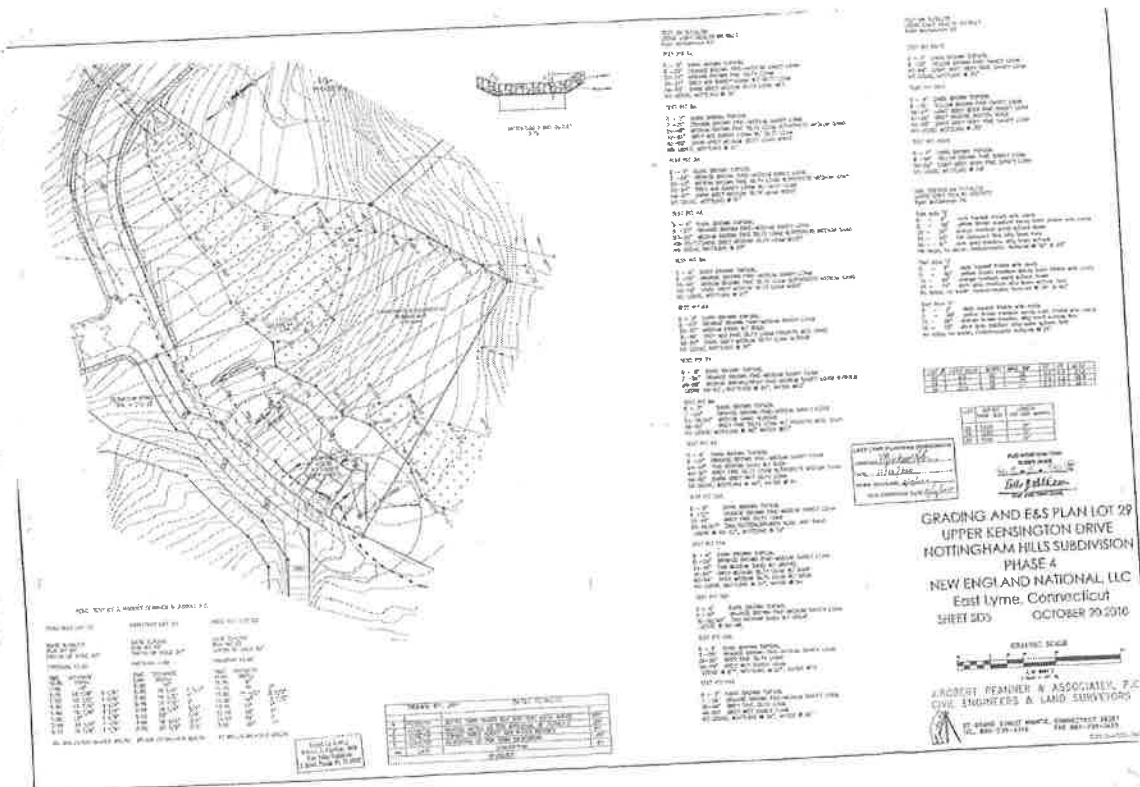
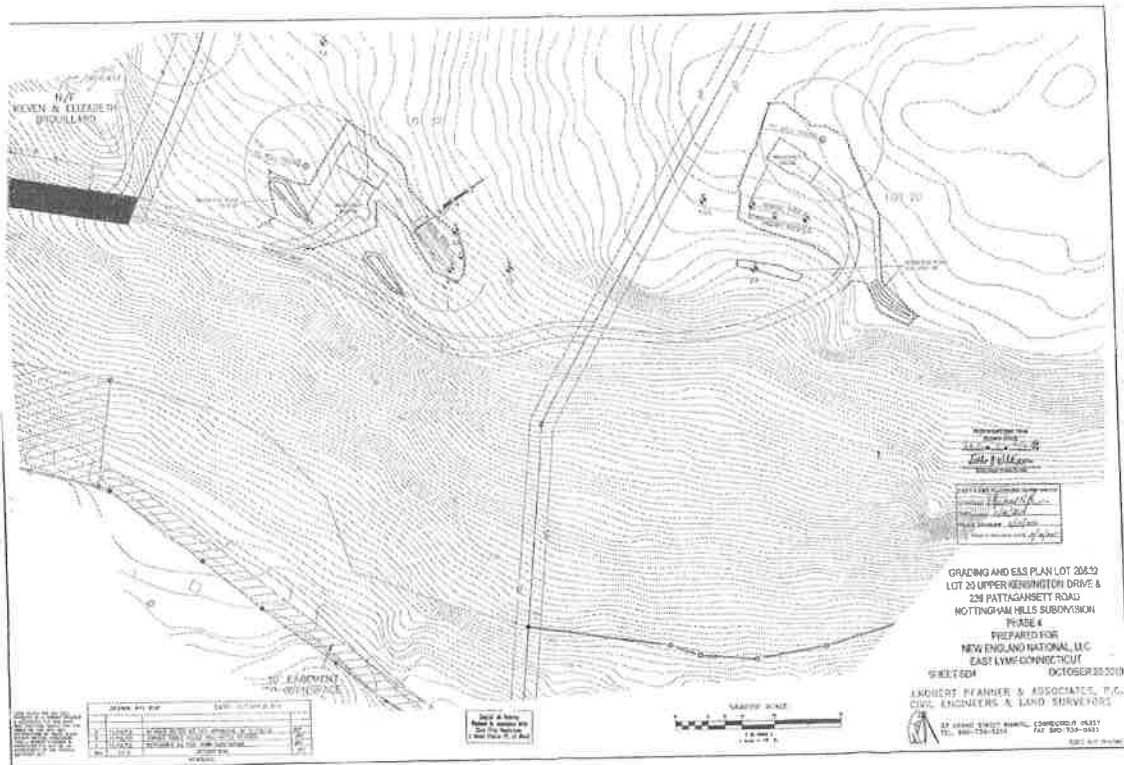


EXHIBIT 3

PLANNING COMMISSION

PAGE 3

July 19, 2023

AGENDA

3:00 PM

1. **Public Hearing** - The Planning Commission will hold a public hearing to receive comments from the public regarding the proposed amendments to the Comprehensive Zoning Ordinance. The public hearing will be held on July 19, 2023, at 3:00 PM, in the Council Chamber of the City of San Diego. The public hearing will be open to the public and will be held in accordance with the provisions of the California Public Access Law (P.A.L.). The public hearing will be held in accordance with the provisions of the California Public Access Law (P.A.L.). The public hearing will be held in accordance with the provisions of the California Public Access Law (P.A.L.).

2. **City Manager's Report** - The City Manager will report to the Planning Commission on the progress of the Comprehensive Zoning Ordinance amendments. The City Manager will also report on the progress of the Comprehensive Zoning Ordinance amendments.

3. **City Manager's Report** - The City Manager will report to the Planning Commission on the progress of the Comprehensive Zoning Ordinance amendments. The City Manager will also report on the progress of the Comprehensive Zoning Ordinance amendments.

4. **City Manager's Report** - The City Manager will report to the Planning Commission on the progress of the Comprehensive Zoning Ordinance amendments. The City Manager will also report on the progress of the Comprehensive Zoning Ordinance amendments.

5. **City Manager's Report** - The City Manager will report to the Planning Commission on the progress of the Comprehensive Zoning Ordinance amendments. The City Manager will also report on the progress of the Comprehensive Zoning Ordinance amendments.

6. **City Manager's Report** - The City Manager will report to the Planning Commission on the progress of the Comprehensive Zoning Ordinance amendments. The City Manager will also report on the progress of the Comprehensive Zoning Ordinance amendments.

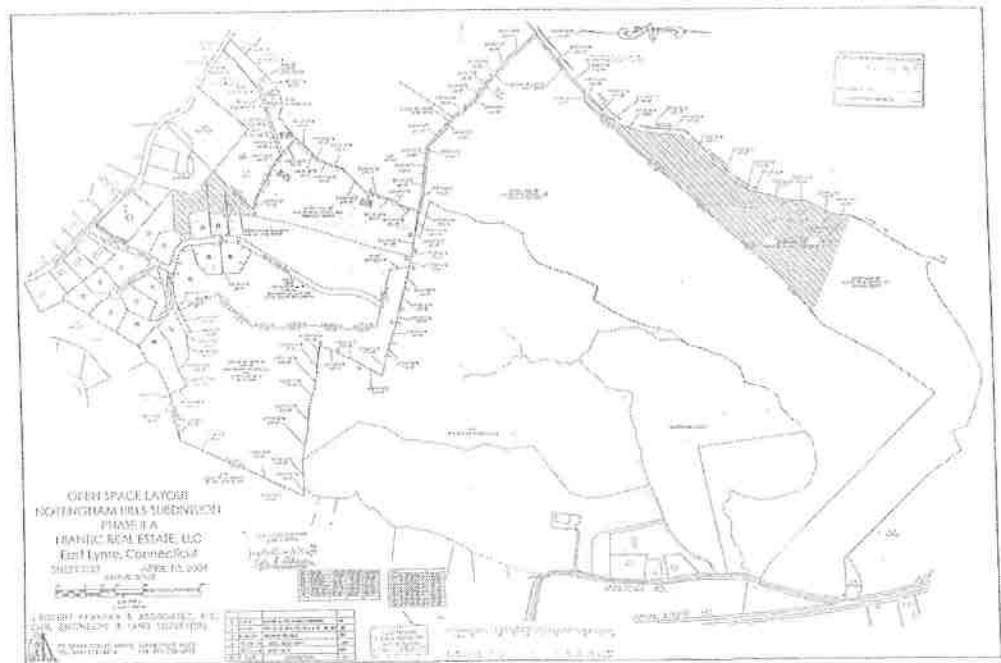
7. **City Manager's Report** - The City Manager will report to the Planning Commission on the progress of the Comprehensive Zoning Ordinance amendments. The City Manager will also report on the progress of the Comprehensive Zoning Ordinance amendments.

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9. **City Manager's Report** - The City Manager will report to the Planning Commission on the progress of the Comprehensive Zoning Ordinance amendments. The City Manager will also report on the progress of the Comprehensive Zoning Ordinance amendments.

10. **City Manager's Report** - The City Manager will report to the Planning Commission on the progress of the Comprehensive Zoning Ordinance amendments. The City Manager will also report on the progress of the Comprehensive Zoning Ordinance amendments.

EXHIBIT 4



1

After Recording Return in:
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 Northridge, CA 06360

1564

Small portrait of a man, identified as a member of the "Land to be Learned" group, with text below: "Land to be Learned" group, U.S.A., from New England National Monetary Fund and East 1st Street Commercial Bank (1955) or 1.

TO HAVE AND TO HOLD the premises, with the appurtenances thereto, unto the said
 Plaintiff and unto his heirs and assigns forever, to be and their own proper use and behoof, to the
 Plaintiff in law and Receiver any other person or persons in its name and behalf, shall or will thereafter
 claim or demand any right or title to the premises or any part thereof, but if any entry or claim shall be
 made against the Plaintiff and his heirs and assigns, then the said

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Chicago, Ill., this 11th day of June, 2011.

to the President all:

Wick A. Holden
Michael A. Holden

MANITO REAL ESTATE, LLC
10 510

Handwritten signature: *[Signature]*

Miss F. Daniels
Care of Dr. H.

NO

DATE COLLECTED

Lesby A. Allen
TOWN CLERK OF EAST LEBAN

Continental Land Title Insurance Company
ALTA OWNER'S POLICY OF TITLE INSURANCE (GIT 94)

7700 POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

Commercial Land Title Insurance Company
ALTA OWNERS POLICY OF TITLE INSURANCE (JULY 2008)

[illegible]

PR 0998 NM 5 b 1

ATTACHED TO

1. Development and Open Space Contract by New England Forest, LLC dated December 28, 2023 and recorded in Volume 411 Page 213 of the New York Land Records.
2. Access Easement by and between New England Forest, LLC and New England Forest, LLC dated December 28, 2023 and recorded in Volume 411 Page 214 of the New York Land Records.
3. Joint and Several Maintenance Easement Agreement by and between New England Forest, LLC and New England Forest, LLC dated July 15, 2024 and recorded in Volume 411 Page 215 of the New York Land Records.
4. A 10' Easement for open space ground in New England Forest, LLC recorded in Volume 411 Page 216 of the New York Land Records.
5. A Easement in favor of New England Forest, LLC recorded in Volume 411 Page 217 of the New York Land Records.
6. Revised Rights of New England Forest, LLC identified in the New York State Code Book 20 401 recorded in Volume 411 Page 218 of the New York Land Records.
7. Revised Rights of New England Forest, LLC identified in the New York State Code Book 20 401 recorded in Volume 411 Page 219 of the New York Land Records.
8. Any and all rights to any of the existing or future maps located on the surveyed parcels for New England Forest, LLC.

ATTACHED TO: New England Forest, LLC

Received: July 19, 2023
1:41 PM
 LARRY THE TOWN CLERK

EXHIBIT 6

THE EAST LYME DAKROW POND OPEN SPACE COMMITTEE
MEETING MINUTES OF JULY 16, 2012
EAST LYME TOWN HALL - CONFERENCE ROOM 1
5:30 P.M.

Present: John Hogan, Co-Chair; Beth Groeber, Co-Chair; Dwight Slauy, Ruth Reaga;
Norm Hendrix, Carol Strathoff, Nancy Thibault

Staff
(Liaisons): Paul M. Fornica, First Selectman; Gary Gieschel, Planning Director/Inland
Wetlands Agency; Dave Pufpaff, Director of Parks & Recreation; Kate Brown,
Trust for Public Land; Kristin L. Walcott, Esq.; Tobias; Mark Block, Esq.; Block,
Janney & Pincus, LLC.

Absent: Art Carlson, Natural Resources Commission Chair

Call To Order: Meeting was called to order by John Hogan at 5:41 PM.

1. ROUTINE MATTERS

- a. Pledge of Allegiance to the Flag - The Pledge of Allegiance was observed.
- b. Approval of Minutes, Meeting of June 4, 2012 -
- c. Approval of Minutes, Meeting of June 4, 2012 -
- d. Relega notes that Art Carlson not present at the June 4, 2012 meeting.

**ACTION (1)

R. Board moved to approve the Minutes of the Meeting of June 4, 2012 as amended.
C. Strathoff seconded this motion.
In Favor: Unanimous.

2. NEW BUSINESS

- a. First Selectman Paul Fornica will present 3 Maps, each with a different easement
scenario for consideration by the committee.

G. Gieschel stated that the presentation of 3 Maps was reduced to a single map
based on discussions with the Water Company and proceeded to introduce the First
Selectman.

First Selectman Paul Fornica presented the Map and gave an overview of the
acres that would be within the conservation easement, under the water
company's control, and the area under the Town's control. Selectman Fornica
indicated the easement area was driven by the location of the proposed water tower,
existing well fields and a sewage that may be used for treatment of treated water.

Selectman Fornica stated that the change of the Commission is to determine the
permissible and non-permissible uses within the conservation easement area.

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R. Walcott indicated permitted uses might include passive and active recreation.

K. Brown explained to the Committee the difference between permitted and
prohibited easement activities versus overall property management.

P. Fornica indicated the acres would be similar to Vets Park.

B. Groeber asked if there were any plans to improve the existing roads and the
existing paved area.

P. Fornica indicated that there are no roads on the property and there are no plans
or design to build roads on the property.

- b. Attorney Mark Block will discuss some of the legal aspects with respect to the maps.

Attorney Block explained to the Committee the details of the existing Access
Easement. He indicated the Town and the adjoining property owners have mutual
exclusive right to an existing road system now and in the future.

Attorney Block suggested that if the Town wanted to relinquish title it could, as long
as it maintains the access rights under the Access Easement.

3. UNFINISHED BUSINESS

- a. Open discussion to include future agenda items.

(1) Donna Ellis invitation to speak

R. Relega indicated she is working on getting a wildlife biologist to come speak to
the committee.

R. Slauy indicated she is working to get Maggie Jones to come speak to the
Committee.

4. COMMUNICATIONS

- a. HTR - None

5. INFORMATION AND REPORTS

- a. Sub Committee Reports - None.
- b. Chairman's Report - Committee members should bring their list of the permitted
and prohibited activities they would like to see within the conservation easement.

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c. Open committee member comments and discussion

G. Gorschel indicated that the Committee could request an EIT of the Property which would be in all encompassing environmental review usually come free of charge.

2.2 MOTION (2)

4.2 MOTION (2)
H. Bender moved to have G. Gorsline coordinate an ENT.
No Second.

1 Hogan directed G. Goeschel to just coordinate it.

6. PUBLIC COMMENT

Joseph Mingo of Eastern Post Road, East Lyme, CT indicated he is a member of the CT Invasive Plant Working Group. He recommended a full blown EIT be mandated. He stated that in order to keep the pond healthy, fish would need to be removed from it. He thought the Town should remove the "No Trespassing" signs on the fence along Moseley Road. He indicated we could now hunting with this request for a permit from the Town would be required.

Dr. Staub indicated that as a result of activities on the Darrow Pond Property by the son of the previous owner, who had not retained title in his property, Dr. Goeschel indicated he would look at it with the Town Engineer and get back to Mr. Staub with a recommendation.

Adjournment:

Motion (3)

Motion (3)
J. Hogan moved to adjourn this meeting at 6:44 PM.
C. Straloff seconded the motion.
In favor: Unanimous.

EXHIBIT 8

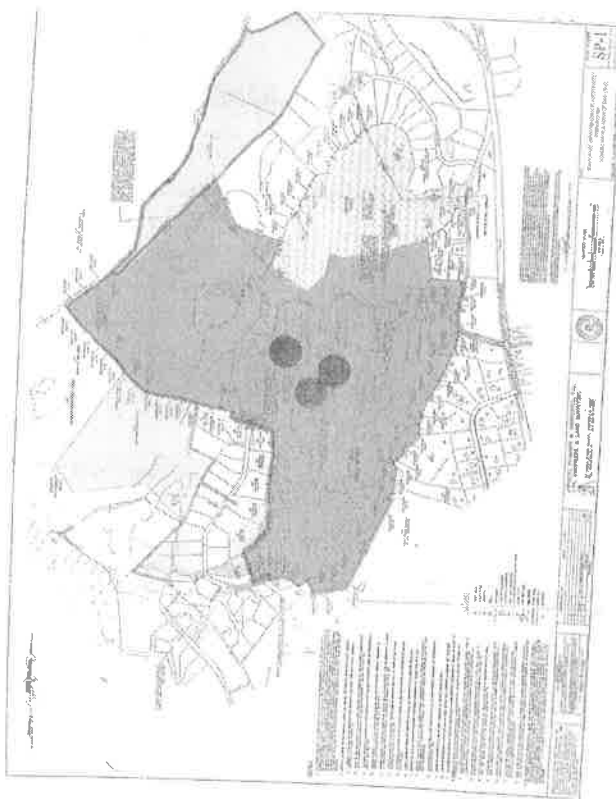


EXHIBIT 9



7/18/2023 5:53:24 AM

Scale: 1"=1000'

Scale is approximate

The information displayed on this map is for planning purposes only. It is not intended for legal boundary definition, regulatory interpretation, or parcel level analysis.



7/18/2023 5:54:24 AM

Scale: 1"=1000'

Scale is approximate

The information displayed on this map is for planning purposes only. It is not intended for legal boundary definition, regulatory interpretation, or parcel level analysis.



EXHIBIT 10

PL
A
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JT

